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| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>  |                      | Docket Number<br>Q90260  |  |
| Mail Stop AF<br>Commissioner for Patents<br>P.O. Box 1450 Alexandria, VA 22313-1450   | Application Number   | Filed  |  |
|   | 10/549,802           | September 19, 2005   |  |
|   | First Named Inventor |  |  |
|   | Yoshihiro KOIZUMI    |  |  |
|   | Art Unit             | Examiner   |  |
|   | 2853                 | Geoffrey S MRUK  |  |
| <p style="text-align: center;">WASHINGTON OFFICE<br/><b>23373</b><br/>CUSTOMER NUMBER</p>   |                      |  |  |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s).<br/>Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number    39,234</p> |                      |  |  |
|   |                      | <br>Signature |  |
|   |                      | Kelly G. Hyndman<br>Typed or printed name  |  |
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|   |                      | April 28, 2008<br>Date   |  |

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No.: Q90260

Yoshihiro KOIZUMI

Appln. No.: 10/549,802

Group Art Unit: 2853

Confirmation No.: 7950

Examiner: Geoffrey S MRUK

Filed: September 19, 2005

For: LIQUID JETTING DEVICE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Program, and further to the Examiner's Final Office Action dated December 26, 2007, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-4, 6-10, 12, 14, 17-20 and 22-28 are all the claims pending in the application. Claims 1, 20, 22 and 28 are the only independent claims. The rejections are summarized as follows:

1. Claims 20 and 22-28 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,084,617 to Balazer ("Balazer").

2. Claims 1-4, 6-10, 12, 14, 17-19 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Balazer in view of U.S. Patent No. 6,213,600 to Kobayashi et al. (“Kobayashi”).

The focus of the disagreement between the Applicant and the Examiner thus far has to do with the Examiner’s improper characterization of Balazer.

**I. Rejection of Claims 20 and 22-28 under 35 U.S.C. § 102(b) over Balazer**

**A. Claims 20, 26 and 28**

Claim 20 recites, *inter alia*,

a plurality of liquid-room openings that are respectively communicated with a plurality of head-liquid-supplying ports of a liquid ejecting head,  
a plurality of liquid-communication ways that are respectively communicated with the plurality of liquid-room openings, and  
a plurality of sub-tank-liquid-supplying ports that are respectively communicated with the plurality of liquid-communication ways, wherein  
the plurality of liquid-room openings are closed by a common film member in order to form liquid-rooms.

The Examiner maintains that element 50 shown in Figure 6 of Balazer corresponds to the claimed “common film member” that closes the plurality of liquid room openings in order to form liquid-rooms. However, element 50 of Figure 6 cannot correspond to the claimed common film member because element 50 is provided for closing only one liquid room opening, not for commonly closing a plurality of liquid room openings.

For example, Figure 5 of Balazer shows a side view of a regulator which incorporates a pressure-sensitive diaphragm and filter screen. *See* Balazer at col. 2, lines 6-8. In addition, Figure 6 of Balazer is a sectional view of the regulator of Figure 5 taken along the line 6-6 in

Figure 5. *See* Balazer at Figures 5 and 6; col. 2, lines 9-10. As seen in the cross-sectional view of Figure 6, the bellows diaphragm 50 encloses antechamber 68. From the side view shown in Figure 5, it can be seen that the bellows diaphragm 50 only encloses the single antechamber 68, but does not commonly enclose a plurality of antechambers.

In addition, Figures 7-9 of Balazer show that the respective right walls of four ink-rooms include respective bellows diaphragms, which are not in the same plane. In other words, Figures 7-9 also show that the bellows diaphragm 50 relied upon by the Examiner cannot correspond to the claimed common film member that closes a plurality of liquid room openings.

Moreover, the reference describes Figure 2 as showing four print cartridges, each having a different color ink, and each connected to an off-board supply of ink. *See* Balazer at col. 1, lines 64-67. Further, Figure 3 of Balazer shows the printing system of Figure 2, wherein the print cartridges on the carriage each include an on-board regulator. *See* Balazer at col. 2, lines 1-3. Lastly, Figures 5 and 6 show respective side and cross-sectional views of a regulator. *See* Balazer at col. 2, lines 6-10. In other words, each print cartridge includes its own regulator, which contains an individual bellows diaphragm 50. Therefore, Applicant submits that element 50 taught by Balazer cannot correspond to the claimed common film member. Accordingly, Applicant submits that claim 20 is patentable is patentable over Balazer for at least the foregoing reasons. Since claims 26 and 28 recite features similar to those discussed above with regard to claim 20, Applicant submits that such claims are patentable over Balazer for at least similar reasons.

**B. Claims 22-25 and 27**

Claim 22 recites, *inter alia*,

wherein the liquid-room opening and the liquid-communication-way groove are provided in a same first surface of

the liquid-room-forming member and covered by a common film member.

The Examiner maintains that the claimed liquid-room opening corresponds to the antechamber 68 taught by Balazer and that standpipe 72 corresponds to the claimed liquid-communication-way groove. *See* Balazer at Figures 5 and 6. However, bellows diaphragm 50 again cannot correspond to the claimed common film member because the standpipe 72 and the antechamber 68 are not commonly covered by the bellows diaphragm as clearly shown in Figure 6 of the reference. Accordingly, Applicant submits that claim 22 is patentable over Balazer for at least the foregoing reason. Since claims 23-25 and 27 are dependent upon claim 22, Applicant submits that such claims are patentable over Balazer at least by virtue of their dependency.


## **II. Claim Rejection under 35 U.S.C. § 103(a) over Balazer in view of Kobayashi**

Claims 1-4, 6-10, 12, 14, 17-19 and 26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Balazer in view of Kobayashi. Without agreeing to or substantively commenting on the rejection of independent claim 1 and dependent claims 2-4, 6-10, 12, 14, 17-19 and 26, since claim 1 recites features similar to those discussed above with regard to claim 20, and Kobayashi fails to cure the deficient teachings of Balazer with respect to claim 1, Applicant submits that it is patentable over the cited references for at least reasons similar to those set forth above for claim 20. Since claims 2-4, 6-10, 12, 14, 17-19 and 26 are dependent upon claim 1, Applicant submits that such claims are patentable over Balazer and Kobayashi at least by virtue of their dependency.

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For at least the foregoing reasons, the rejections of claims 1-4, 6-10, 12, 14, 17-20 and 22-28 are improper. Accordingly, reversal of the rejection of these claims is requested.

Respectfully submitted,

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WASHINGTON OFFICE

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